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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 F.G. CROSTHWAITE, *et al.* No. C-11-2632 EMC
9 Plaintiffs,

10 v.
11 JORGE EDGARD QUINONES,
12 Defendant.

**ORDER RE PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT –
DAMAGES**

15 Plaintiffs are a local union (Operating Engineers Local Union No. 3 of the International
16 Union of Operating Engineers, AFL-CIO) and the trustees for the following trust funds: the
17 Operating Engineers' Health and Welfare Trust Fund; the Pension Trust Fund for Operating
18 Engineers; and the Pensioned Operating Engineers' Health and Welfare Fund (collectively, the
19 "Trust Funds"). Previously, the Court granted in part and denied in part Plaintiffs' motion for
20 summary judgment against Defendant Jorge Edgard Quinones, doing business as Professional
21 Construction Services ("PCS") (also known as PCS Construction). *See* Docket No. 57 (order).

22 In compliance with the Court’s order, Plaintiffs provided supplemental briefing on the
23 damages incurred. Mr. Quinones did not file a response to the supplemental briefing, although such
24 was expressly permitted by the Court. Taking into account Plaintiffs’ supplemental papers as well
25 as the lack of an opposition by Mr. Quinones, the Court concludes that the damages requested by
26 Plaintiffs, with one exception, are reasonable and appropriate.

27 The exception is the attorney's fees requested by Plaintiffs. As a preliminary matter, the
28 Court notes that, previously, it deferred awarding attorney's fees because the case had not been

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1 disposed of in its entirety. As Plaintiffs have now stated that they do not intend to pursue the
 2 remainder of the case, *i.e.*, that part on which the Court did not grant summary judgment, an award
 3 of attorney's fees is now proper. The Court finds that the hourly rates of counsel and staff are
 4 reasonable. The Court also finds that the number of hours incurred are reasonable, except as to the
 5 number of hours claimed for efilng and service of the motion for summary judgment and in
 6 connection with preparation for and attendance at the hearing. Plaintiffs represent that their
 7 attorneys billed a total of \$3,882.50 for this service. *See* Docket No. 60 (Stafford Decl. ¶¶ 8-10).
 8 Based on a rough hourly rate of \$200, this means that Plaintiffs seek compensation for more than 19
 9 hours of time. This number of hours is excessive in relation to the services performed.¹ The Court
 10 finds that, for the services performed, counsel should not have exceeded the 6 hours of anticipated
 11 time. Accordingly, the Court awards attorney's fees in the amount of \$16,818.²

12 Accordingly, the Court hereby awards Plaintiffs damages in the following amounts:
 13 (1) \$178,711.53 in unpaid contributions, liquidated damages, and interest;
 14 (2) \$2,696.24 in audit fees;
 15 (3) \$16,818 in attorney's fees; and
 16 (4) \$732.03 in costs.

17 The total awarded is **\$198,957.80**.³ The Court orders the Clerk of the Court to enter final
 18 judgment in accordance with this opinion and close the file in this case.

19 IT IS SO ORDERED.

20 Dated: July 24, 2012


 21 EDWARD M. CHEN
 22 United States District Judge
 23

24 _____
 25 ¹ The Court emphasizes that the services did *not* include the preparation of either the briefing
 26 for the motion for summary judgment (completed on May 31, 2012) or the supplemental briefing
 27 requested by the Court (filed on June 25, 2012, and July 12, 2012).

28 ² \$14,120.50 + \$1,030 + \$1,667.50 = \$16,818. In essence, the Court is deducting only
 \$2,792.50 from the fee request.

³ Plaintiffs' motion to expedite is essentially moot in light of this order.